

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 23-00107-01-CR-W-BP
	)	
NICHOLAS G. GUTIERREZ,	)	
	)	
Defendant.	)	

ORDER (1) ADOPTING REPORT AND RECOMMENDATION AND (2) FINDING  
DEFENDANT COMPETENT TO PROCEED TO TRIAL

On June 27, 2023, Defendant was ordered to undergo a competency evaluation; later, on July 6, the directive was changed to require Defendant to undergo a psychiatric or psychological evaluation conducted locally. (Doc. 24.) Defendant was examined by Ashley Christiansen, Ph.D., ABPP, on August 1, 2023. Dr. Christiansen concluded that Defendant is competent to proceed and prepared a report discussing her evaluation and conclusions. (Doc. 27.)

During a hearing held before United States Magistrate Judge Lajuana M. Counts on August 16, 2023, Defendant and the Government stipulated to Dr. Christiansen's report and no other evidence was offered. (*See* Doc. 29.) Thereafter, Judge Counts issued a Report recommending that the Court find that Defendant is competent to proceed. (Doc. 30.) The parties waived the filing of objections and agreed the matter was ready for ruling by a District Judge.

Accordingly, after reviewing the Record (including Dr. Christiansen's report), it is **ORDERED** that the Report and Recommendation of Judge Counts is adopted in its entirety, and this Court finds that Defendant is competent to proceed to trial.

**IT IS SO ORDERED.**

DATE: August 17, 2023

/s/Beth Phillips  
BETH PHILLIPS, CHIEF JUDGE  
UNITED STATES DISTRICT COURT